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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,165

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John Philip Griffiths

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EXAMINER

MEHMOOD, JENNIFER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,165	Applicant(s) GRIFFITS ET AL.	
	Examiner JENNIFER MEHMOOD	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 99-124 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 99-122 is/are rejected.
- 7) ☒ Claim(s) 123 and 124 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election without traverse of claims 99-124 in the reply filed on September 7, 2009 is acknowledged.

Claim Objections

2. Claim 121 is objected to because of the following informalities: The spelling of "aragned".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 99, 114, 121 and 122 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. For claims 99, 114, 122, the phrase "and or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
6. Claim 121 recites the limitation "The method" in line 1. There is insufficient antecedent basis for this limitation in the claim. In addition, the phrase "and or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 99-114, 116-119, 121 and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 2004/0080419 A1) in view of Hartzell (US 5,467,510).

For claim 99, Martin discloses a method for facilitating the mating of members of a plurality of items the mated members forming a matched set wherein the method comprises: providing an identifiable location to place a first and or second member of a first matched set (Fig. 1; parags 0012 and 0034); providing an identifiable location to place a first and or second member of a second matched set (parags 0049 and 0050; Fig. 4 – matched based on proximity; Fig. 5 – nonmatched based on proximity); inputting into an electrically operable device identifying information associated with a member (Fig. 2, item 11; parags 0035); processing the member identifying information (parag 0047); outputting a signal from an electrically operable device facilitating user determination of the identifiable location to place said member (Fig. 8, item 32; parags 0050, 0059 and 0066). Martin does not disclose the matching set comprising garments such as a pair of socks. However, the claim is interpreted and rejected for the same

reasons as stated in the rejection of claim 21 as stated below, regarding garment items such as socks, as disclosed by Hartzell.

For claim 100, Martin discloses the identifiable location related to at least one member of the first matched set is distinct to the identifiable location related to at least one member of the second matched set (parags 0032 and 0047, Ins 17-21).

For claim 101, Martin discloses at least one identifiable location is identified by an identifier that is human readable, said location identifier preferably comprising at least one of indicia, shapes, colours, images (parags 0050 and 0059; Fig. 8, item 32).

For claim 102, Martin discloses the location to place said member is identified by an electrically operable indicator and preferably wherein said indicator is proximal to said location (parags 0049 and 0050).

For claim 103, Martin discloses a first electrically operable indicator is associable with a first location to place one at least members of a first matching set and a second electrically operable indicator is associable with a second location to place one at least members of a second matching set (parags 0050 and 0059).

For claim 104, Martin discloses the first indicator is operable to alter state in response to an electrically operable device receiving information associated with a member of the first matching set and or the second indicator is operable to alter state in response to an electrically operable device receiving information associated with a member of the second matching set (parags 0071 and 0072; Fig. 12).

For claim 105, Martin discloses the identifiable location related to one at least members of a first matching set is associable with a first person and the identifiable

location related to one at least members of a second matching set is associable with a second person (parag 0049; Figs. 3 and 4, items 13 and 14).

For claim 106, Martin discloses a first electrically operable indicator associated with a first identifiable location facilitates the transfers of at least one said member to a second identifiable location (parag 0066) and preferably wherein said transfer is from a temporary storage arrangement (parag 0055; Figs 7 and 8, items 25a and 40) to an extended storage arrangement (Fig. 8, item 54).

For claim 107, Martin discloses a second electrically operable indicator associated with said second identifiable location facilitates said transfer (Fig. 10; parag 0063).

For claim 108, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 121 as stated below.

For claim 109, Martin discloses a portable electronic device (baby's bracelet; Fig. 2; parag 0047, Ins 14-16) for receiving identifying information from said members and for electronically outputting information facilitating the mating of members (parag 0047, Ins 16-21; Fig. 6, item 9; Fig. 8, item 34; parag 0050, Ins 8-18).

For claim 110, Martin discloses said system is for use with members in a user environment (parag 0001).

For claim 111, Martin discloses the mating of members are arranged to receive information pertaining to identifying information coupled to the member (Fig. 2; parag 0047).

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For claim 112, Martin discloses the identifying information comprises a bar code, indicia (parag 0050), shape or colour, but Martin does not disclose that the identifying information is coupled to a sock by at least one of: printing, woven into the fabric of the sock, a device attached to the sock. Hartzell, on the other hand, discloses identifying information coupled to a sock by at least one of: printing, woven into the fabric of the sock, a device attached to the sock (Figs. 3 and 4; col 5, lns 4-12). it would have been obvious to one of ordinary skill in the art, at the time the invention was made to attach identifying information to the fabric of a sock, as disclosed by Hartzell, and apply it to the electronic matching system, disclosed by Martin, so that the identifying means is secured to the sock for long-term identification of the pair of socks that belong to the same set.

For claim 113, Martin discloses the received information comprises at least one of: voice input, keyboard entry, selection from a means for display, pointing device, wireless input (parag 0050, lns 1-5; Fig. 4, items 16a, 3a, 17), electronic imaging.

For claim 114, Martin discloses the received information is manually entered and or electronically read into the system (Fig. 2).

For claim 116, Martin discloses arranged to receive first identifying information pertaining to a first member and second identifying information pertaining to a second member, wherein said first and second members are a mating pair, and said first and second identifying information is stored in computer memory and the system preferably further arranged to associate said stored first and second identifying information (Figs. 1 and 2; parags 0035 0047, 0066, 0069, 0070; Fig 8, items 52, 54 and 58)

For claim 117, Martin discloses the mating members are arranged to receive at a subsequent time said first and or second identifying information and to process the subsequently received identifying information with the previously stored identifying information (parags 0069 and 0070).

For claim 118, Martin discloses comprising an output signal responsive to said processing, said output signal facilitating mating of the member associated with said identifying information (bonding, matching, non-matching - parag 0050; Fig. 8, items 52 and 58).

For claim 119, Martin discloses the output signal facilitates activation of an electrically operable indicator associated with a location for a user to place said member (parag 0059; Fig. 8, item 32).

For claim 121, Martin discloses a method of coupling identifying information to an item (parag 0012) wherein the information is for use with an electrically operable system arranged to facilitate the mating of members (Fig. 1) of a plurality of items the mated members forming a matched set (parags 0032 and 0047, Ins 17-21). While Martin does not specifically disclose the mating of socks, Hartzell discloses tagging socks in order to facilitate mating to form a matched set (col 1, Ins 5-10; Figs. 5 and 7). While Martin discloses an electronic system and Hartzell discloses a non-electronic system, both Martin and Hartzell are concerned with matching more than one item properly within a set. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to match a pair of socks, as disclosed by Hartzell, and apply it to the electronic matching system, disclosed by Martin, so that socks are quickly and

automatically found as a pair thereby providing a user a time efficient means of finding and matching a pair of socks.

For claim 122, Martin discloses an item for sorting and or mating members of a plurality of members, the mated members forming a matched set wherein the item is arranged to provide a first signal for association with a first member (parag 0055; Fig. 7, item 17) and a second signal for association with a second member (Fig. 7, item 17a). Martin, however, does not disclose bedding items wherein bedding items comprise socks, and or said bedding includes at least one of blanket, bed sheet, doona cover, or bedspread. However, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 21 as stated above, regarding bedding items such as socks, as disclosed by Hartzell.

9. Claim 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 2004/0080419 A1) and Hartzell (US 5,467,510), and further in view of Needham et al. (US 2002/0139846 A1).

Martin discloses the identifying information is electronically read, but Martin does not disclose that the information is read by RFID or the transfer of power and data on a single conductor. Needham, however, discloses matching data from RFID tags read by a handheld device used to interrogate tag data (parags 0017 and 0025; Fig. 1, items 130 and 120). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to read and extract data from multiple RFID tags using a standard communication means in order to account for system expandability (i.e. add more tags for future expansion of the system).

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10. Claims 120 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 2004/0080419 A1) and Hartzell (US 5,467,510), and further in view of Hughes et al. (US 5,920,261).

Martin discloses facilitating mating member, but does not disclose mating members comprising: sock ID means, passive sock storage means, active sock storage means, sock location ID means, sock storage means, vacant sock location detector means, sock control means, sock ID acquisition means, sock ID library means, sock ID support information, and or active sock processing means. Hughes, on the other hand, discloses garment ID means, passive garment storage means, active garment storage means, garment location ID means, garment storage means, vacant garment location detector means, garment control means, garment ID acquisition means, garment ID library means, garment ID support information, and or active garment processing means (col 4, Ins 18-27; col 6, Ins 13-23; col 13, Ins 65-67; col 14, Ins 1-7; Fig. 1, items 14, 18 and 16). While Hughes does not specifically disclose socks, but discloses garments, it would have been an obvious design choice to choose to locate and track socks based on an ID in order to assist a visually impaired person with establishing a wardrobe in a timely manner.

Allowable Subject Matter

11. Claim 123 and 124 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements (*Claim 122 Rejection - 35 USC § 112*) or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Roberta (US 2006/0192674 A1) and Aupperle (US 2005/0001719 A1), which was cited in the International Search Report, disclose matching a pair of objects via an RFID system.

Burstein (US 2006/0096007 A1) discloses a physical method of mating a pair of socks.

Schiller (US 4,344,240) and Ullman, Jr. (US 4,096,655) disclose mechanical attachment devices to distinguish multiple pairs of socks.

Daniel et al. (US 2005/0102734 A1) discloses a visual means to locate matching socks.

Wan et al. (US 2002/0121980 A1) and Bodin (US 7,574,363 B2) disclose electronic means for matching garments or retail items.

Ullmann (US 2009/0205557 A1), which cannot be used as prior art, is disclosed because this invention is very closely related to the applicant's invention. Ullmann discloses an electronic device (UV lamp) which emits an optical signal to tags located

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on a pair of socks wherein, based on the color of the illumination from the tags, a user distinguishes between multiple pairs of socks.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Lee, can be reached at (571) 272.2963. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Mehmood/
Primary Examiner
September 17, 2009